

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KASEEM ALI-X,

1:12-cv-3147-NLH-KMW

Plaintiff,

MEMORANDUM OPINION & ORDER

v.

DAVID MCKISHEN, et al.,

Defendants.

APPEARANCE:

Gurbir S. Grewal, Attorney General of New Jersey
Kai W. Marshall-Otto, Deputy Attorney General
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625
Attorneys for DOC Defendants

HILLMAN, District Judge

WHEREAS, Plaintiff Kaseem Ali-X has filed a civil complaint alleging that his legal mail was opened outside of his presence between May 24, 2010 and September 20, 2011 while he was incarcerated at South Woods State Prison, see ECF No. 11; and

WHEREAS, Magistrate Judge Karen M. Williams appointed counsel for the limited purpose of assisting Plaintiff with settlement negotiations, see ECF No. 81; and

WHEREAS, settlement negotiations have failed to result in an agreement between the parties; and

WHEREAS, Defendants filed a Motion for Summary Judgment on

May 24, 2019, see ECF No. 89; and

WHEREAS, Plaintiff, now proceeding pro se by the terms of Magistrate Judge Williams' order, has not filed any opposition to the Motion for Summary Judgment; and

WHEREAS, in the interests of justice, the Court shall extend the time for Plaintiff to submit his opposition to the Motion for Summary Judgment for a period of thirty (30) days from the date of this Order; and

WHEREAS, Plaintiff is advised that failure to file opposition within the timeframe set by the Court shall result in the Court considering the Motion for Summary Judgment to be unopposed. The Court notes that failure to respond to a motion for summary judgment "is not alone a sufficient basis for the entry of a summary judgment." Anchorage Assocs. v. Virgin Island Bd. of Tax Review, 922 F.2d 168, 175 (3d Cir. 1990). The Court must still make an independent determination whether the motion has been properly made and supported and whether granting summary judgment is appropriate. Id.; and

WHEREAS, the New Jersey Department of Corrections Inmate Locator indicates that Plaintiff is presently incarcerated in New Jersey State Prison, Trenton, New Jersey,

THEREFORE, IT IS on this 6th day of September, 2019

ORDERED that Plaintiff's time to oppose the Motion for Summary Judgment is extended thirty (30) days from the date of

this Order; and it is further

ORDERED that failure to file opposition within the
timeframe set by the Court shall result in the Court considering
the Motion for Summary Judgment to be unopposed; and it is
finally

ORDERED that the Clerk of the Court shall serve a copy of
this Order on Plaintiff by regular first-class mail at

Kaseem Ali-X 000422722B
New Jersey State Prison
PO Box 861
Trenton, NJ 08625

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.